

PENALTY COMPUTATION WORKSHEET

Company Name: Dymet CorporationRegulation Violated: MAC R299.9306(4) 40 CFR 265.16 and Subpart D contingency plan, training records
Assessments for each violation should be determined on separate worksheets and totalled.Part I - Seriousness of Violation Penalty

1. Potential for Harm:	<u>minor</u>
2. Extent of Deviation:	<u>moderate</u>
3. Matrix Cell Range:	<u>\$500-1499</u>
Penalty Amount Chosen:	<u>\$1000</u>
Justification for Penalty Amount Chosen:	<u>midrange</u>
4. Per-Day Assessment:	<u>\$1000</u>

Part II - Penalty Adjustments

	<u>Percentage Change</u>	<u>Dollar Amount</u>
1. Good faith efforts to comply/lack of good faith:	<u>-0-</u>	<u>-0-</u>
2. Degree of willfulness and/or negligence:	<u>-0-</u>	<u>-0-</u>
3. History of Noncompliance:	<u>-0-</u>	<u>-0-</u>
4. Other Unique Factors:	<u>-0-</u>	<u>-0-</u>
5. Justification for Adjustments:		
6. Adjusted Per-day Penalty (Line 4, Part I + Lines 1-4, Part II):		<u>\$1000</u>
7. Number of Days of Violation:		<u>n/a</u>
8. Multi-day Penalty (Number of days X Line 6, Part II):		<u>\$1000</u>
9. Economic Benefit of Noncompliance:		<u>n/a</u>
Justification:		
10. Total (Lines 8 + 9, Part II):		<u>\$1000</u>
11. Ability to Pay Adjustment:	<u>-50%</u>	<u>-500</u>
Justification for Adjustment:		<u>\$500</u>
12. Total Penalty Amount (must not exceed \$25,000 per day of violation):		<u>\$500</u>

RELEASED
DATE 6/19/18
RIN #
INITIALS jh

Respondent filed Chapter 11
bankruptcy in 9/87.

* Percentage adjustments are applied to the dollar amount calculated on Line 4, Part I.

RCRA PENALTY COMPUTATION - JUSTIFICATION

REGULATION(S) VIOLATED: 40 CFR 265.16 and Subpart D MAC R299.9306(4)
contingency plan, record of training

POTENTIAL FOR HARM CATEGORY: minor

Right-to-know training was conducted at the facility in spring, 1987. A training plan has been developed but it is not known if training has been conducted in accordance with the plan. Employees, as a result of this minimal training, should be familiar with the danger of working with hazardous waste.

EXTENT OF DEVIATION CATEGORY: moderate

Respondent was cited for the same violations in a LOW that was a result of an inspection conducted in 1983. A brief outline of a contingency plan was submitted in the summer, 1987. However, Respondent has not submitted an adequate plan despite extensive comments from MDNR, and several LOWs.

PENALTY ASSESSED THIS VIOLATION: \$500

PENALTY COMPUTATION WORKSHEET

Company Name: Dynet CorporationRegulation Violated: MAC R299.9306(3) 40 CFR 262.34(a) storage of waste for greater than 90 days

Assessments for each violation should be determined on separate worksheets and totalled.

Part I - Seriousness of Violation Penalty

1. Potential for Harm:	<u>moderate</u>
2. Extent of Deviation:	<u>moderate</u>
3. Matrix Cell Range:	<u>\$5000-7999</u>
Penalty Amount Chosen:	<u>\$6500</u>
Justification for Penalty Amount Chosen:	<u>midrange</u>
4. Per-Day Assessment:	<u>\$6500</u>

Part II - Penalty Adjustments

	<u>Percentage Change</u>	<u>Dollar Amount</u>
1. Good faith efforts to comply/lack of good faith:	<u>-0-</u>	<u>-0-</u>
2. Degree of willfulness and/or negligence:	<u>-0-</u>	<u>-0-</u>
3. History of Noncompliance:	<u>-0-</u>	<u>-0-</u>
4. Other Unique Factors:	<u>-0-</u>	<u>-0-</u>
5. Justification for Adjustments:		
6. Adjusted Per-day Penalty (Line 4, Part I + Lines 1-4, Part II):		<u>\$6500</u>
7. Number of Days of Violation:		<u>n/a</u>
8. Multi-day Penalty (Number of days X Line 6, Part II):		<u>\$6500</u>
9. Economic Benefit of Noncompliance:		<u>n/a</u>
Justification:		
10. Total (Lines 8 + 9, Part II):		<u>\$6500</u>
11. Ability to Pay Adjustment:	<u>-50%</u>	<u>- 3250</u>
Justification for Adjustment:		<u>\$3250</u>
12. Total Penalty Amount (must not exceed \$25,000 per day of violation):		<u>\$3250</u>

Respondent filed Chapter 11 bankruptcy in 9/87

* Percentage adjustments are applied to the dollar amount calculated on Line 4, Part I.

RCRA PENALTY COMPUTATION - JUSTIFICATION

REGULATION(S) VIOLATED: 40 CFR 262.34(a) MAC R299.9306(3) storage of waste for greater than 90 days

POTENTIAL FOR HARM CATEGORY: moderate

A moderate potential for harm is posed to human health and the environment for storage of hazardous waste for greater than 90 days because Respondent has not provided adequate long term storage facilities for the material. Approximately 8 drums of cyanide waste have been held at the facility for greater than one year. Respondent has not had money available for disposal costs, and/or has had difficulty with the transporter with whom arrangements had been made to dispose of the waste. The waste is extremely hazardous, although there is a small quantity of it.

EXTENT OF DEVIATION CATEGORY: moderate

Respondent has received letters of warning from both MDNR and U.S. EPA which have yielded no action. Nine months have passed since the inspection upon which this order is based. At the time of the inspection, the drums had been stored for greater than 90 days.

PENALTY ASSESSED THIS VIOLATION: \$3250

8-28-87

RECEIVED
AUG 31 1987U.S. EPA, REGION V
WASTE MANAGEMENT DIVISION
HAZARDOUS WASTE PREVENTION

Dear Mr. Barnes

I changed hats today after your call and put together my task which will be furnished to you. Some of the items have been at least partially completed and I will attempt to complete the remainder within a week. At any rate I will call you on Friday, Sept 4th to review with you where we are with the plan.

The transporter has not replied and I can not reach him. We will begin transporting next week with the original hauler if I can not make contact.

Please call me if I can answer any questions for you.

Sincerely


E P A - Requirements

265.37 Arrangements with local authorities

1. Letter to each of the emergency facilities with the information concerning the building and the hazardous materials located on the premises.

a.) Muskegon Fire Department, Central Fire Station, Walton at Stanford
Muskegon Mi 49440 (616) 722-2612

b.) Hawley Hospital Occupational Health Clinic, 1700 Clinton, Muskegon
Mi, 49441

c.) Muskegon City Police, 933 Terrace Ave, Muskegon Mi Attn: Coordinator Environmental Control. Muskegon Mi 49440

265.50 Contingency Plan and Emergency Procedure

1. The plan must be written to be applicable in three different situations.
 - a. Fire
 - b. Explosion
 - c. Release of waste or constituents of waste


2. Under 265.52 the content of the plan must be as follows.

- a. Actions the people in the plant would take in each of the above three situations.
- b. The plan will include arrangements made with the Fire Dept, Hospital, and Police.
- c. List of each Company employee responsible for emergency coordination. List in order of responsibility.
- d. A list of all emergency equipment and decontamination equipment with location, description, and capabilities.
- + A plan of egress from facility depending on type of emergency. Include signals used to alert employees and route markings.

265.16 Employee position Definitions

1. Write the following for submission with Contingency Plan
 - a. Job descriptions for each person responsible on each shift

1. A training program outline
for the key individuals on
each shift who is respon-
sible.



8-28-87

ATTACHMENT 1
PENALTY SUMMARY

Regulation Applicable at Time of Violation*	Correspond- ing Federal Regulation**	Nature of Requirement [Date of Violation]	Penalty Assessed
R299.9306(4)	265 Subpart D	Establish and distribute con- tingency plan.	\$500.00
	265.16	Provide and keep records of personal training (included above)	<i>Included above ✓</i>
		[June 16, 1986, June 15, 1987]	
R299.9306(3)	262.34(a)	Storage of hazardous waste for greater than 90 days.	\$3250.00
		[June 16, 1986, June 15, 1987]	

TOTAL: \$3750.00

* Michigan Administrative Code 1985 AACs
** 40 CFR

RELEASED
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INITIALS DR

13. On July 13, 1987, MDNR sent a letter to Respondent ~~informing him~~ ^{stating} that the contingency plan and emergency procedures were incomplete.

14. On August 5, 1987, U.S. EPA sent a LOW to Respondent requesting correction of the following violations of the Michigan Administrative Code 1985 AACs, also identified in Finding 7, Paragraphs ^c(d), ^d(e), and ^e(f):

- a. Storage of hazardous waste for greater than 90 days without having ^ainterim status or ^aoperating license and without adhering to the requirements for a storage facility, in violation of MAC R299.9306(3) (40 CFR 262.34(a)).
- b. Failure to establish and distribute a contingency plan and emergency procedures, in violation of MAC R299.9306^{(1)(d)}(4) (40 CFR 265 Subpart D).
- c. Failure to keep ^arecords of ~~job titles and~~ job descriptions, and failure to provide and keep records of personnel training, in violation of MAC R299.9306^{(1)(d)}(4) (40 CFR 265.16).

15. On September 16, 1987, Respondent sent U.S. EPA an outline for a hazardous waste training program ^{that does not meet the requirements of} MAC R299.9306^{(1)(d)}(4) (40 CFR 265.16).

COMPLIANCE ORDER

^{✓ ep} Respondent having been initially determined to be in violation of the above cited rules and regulations, the following Compliance Order pursuant to Section 3008 of RCRA, 42 U.S.C. §6928, is entered:

16. On September 30, 1987, Respondent sent to USEPA a contingency plan and emergency procedures.
17. Respondent has violated Michigan hazardous waste management regulations for which a penalty is assessed, specifically MAC 1985 AACs R299.9306^{(1)(d)}(4) 9306(13).

Media Contact: Anne Rowan
(312) 886-7857

Enforcement Contact: Marian Barnes
(312) 886-7568

FOR IMMEDIATE RELEASE

NO.

U.S. EPA FILES ADMINISTRATIVE COMPLAINT AGAINST DYMET CORPORATION FOR HAZARDOUS
WASTE VIOLATIONS

The United States Environmental Protection Agency (U.S. EPA) Region V today announced the filing of a civil administrative action against Dymet Corporation.

The Complaint against Dymet Corporation proposes a penalty THREE THOUSAND SEVEN HUNDRED AND FIFTY DOLLARS (\$3,750.00) and charges that the facility located at 1901 Peck Street, Muskegon, Michigan has violated Federal regulations contained in the Resource Conservation and Recovery Act (RCRA) regarding the management of hazardous waste.

Dymet Corporation has failed to meet particular requirements of the Michigan Hazardous Waste Management Act (Act 64) relating to the generation of hazardous waste, specifically, not having a contingency plan and storing waste on site for greater than 90 days.

Dymet Corporation has the right to request that U.S. EPA hold a settlement conference or a hearing to discuss the charges. The company must make such a request by _____, 1987.

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